

Mail Stop Interference  
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Paper 3  
Filed: September 14, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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JOHN EMERY, KB TAN, ALEM TRUNEH,  
AND PETER YOUNG  
Junior Party  
(U.S. Patent 5,885,800),

v.

REINER GENTZ, REINHARD EBNER, GUO-LIANG YU,  
STEVEN M. RUBEN, JIAN NI AND PING FENG  
Senior Party  
(U.S. Patent Application 09/006,352).

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Patent Interference No. 105,701 (MPT)  
(Technology Center 1600)

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JUDGMENT – PRIORITY – Bd. R. 127(b)

Before: RICHARD TORCZON, SALLY C. MEDLEY, and MICHAEL P. TIERNEY,  
*Administrative Patent Judges.*

TIERNEY, *Administrative Patent Judge.*

- 1       A conference call was held on September 9, 2009 including:
- 2           1.     Elizabeth Hecht, counsel for Emery

1           2.     Mark Hyman, counsel for Gentz, and

2           3.     Michael Tierney, Administrative Patent Judge

3         During the conference call Emery requested adverse judgment as to Count 1,  
4     the sole count in interference.<sup>1</sup> The request is granted as follows:

5           It is:

6         Ordered that judgment is entered against Junior Party Emery for Count 1.

7         Further Ordered that the involved claims of Emery, claims 2, 4-8 and 11-  
8     16, are CANCELED, 35 U.S.C. §135(a).

9         Further Ordered that a copy of this judgment be entered in the  
10    administrative records of the involved U.S. Patent 5,885,800 and U.S. Application  
11    09/006,352.

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<sup>1</sup> NOTICE: "Any agreement or understanding between parties to an interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, shall be in writing and a true copy thereof filed in the Patent and Trademark Office before the termination of the interference as between the said parties to the agreement or understanding." 35 U.S.C. 135(c); see also Bd.R. 205 (settlement agreements).

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